

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JULIO NEHOMAR ROSA,

Plaintiff,

v.

Case No.: 2:23-cv-451-SPC-NPM

JOHN E. STEELE,

Defendant.

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OPINION AND ORDER

Before the Court is Plaintiff Julio Nehomar Rosa's Complaint for Violation of Civil Rights (Doc. 1). Rosa is prisoner of Liberty Correctional Institution. United States Magistrate Judge Nicholas Mizell granted Rosa leave to proceed *in forma pauperis*, so the Court must review the complaint to determine whether it is frivolous or malicious, fails to state a claim, or seeks monetary damages from anyone immune from such relief. See [28 U.S.C. § 1915\(e\)\(2\)](#).

Rosa sues Senior United States District Judge John E. Steele because he disagrees with Judge Steele's adjudication of *Rosa v. Kinney*, Middle District of Florida Case No. 2:17-cv-177-JES-MRM. Rosa appealed Judge Steele's decision, and the Eleventh Circuit Court of Appeals found the appeal frivolous. *Rosa v. Kinney*, Case No. 20-14401-H, 2021 WL 5919849 (11th Cir. Aug. 19,

2021). About two years later, Rosa sued Judge Steele, a private law firm, and the Charlotte County Sheriff's Office over a scrivener's error in one of Judge Steele's orders. *See Rosa v. Steele*, Middle District of Florida Case No. 2:23-cv-213-JLB-KCD. The court dismissed Rosa's complaint as frivolous and for failure to state a claim, noting that Judge Steele is immune from suit. *Rosa v. Steele*, Case No. 2:23-cv-213-JLB-KCD, 2023 WL 3990610 (M.D. Fla. Apr. 26, 2023).


Here, Rosa again sues Judge Steele over the scrivener's error (which Judge Steele corrected years ago by entering an amended order). Rosa seeks \$1.7 billion in damages. As noted in Rosa's prior case, Judge Steele is immune from suit. "A judge enjoys absolute immunity from suit for judicial acts performed within the jurisdiction of his court." *McCullough v. Finley*, 907 F.3d 1324, 1330 (11th Cir. 2018). Thus, this action fails to state a claim and is frivolous. And because Rosa filed this action despite notice of its frivolity, it is also malicious.

Accordingly, it is now

ORDERED:

This action is **DISMISSED with prejudice**. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions and deadlines, and close this case.

DONE and **ORDERED** in Fort Myers, Florida on September 21, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record